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Attorneys for Plaintiffs,
UMG RECORDINGS, INC.; CAPITOL
RECORDS, INC.; BMG MUSIC;
ATLANTIC RECORDING
CORPORATION; ELEKTRA
ENTERTAINMENT GROUP INC.; SONY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UMG RECORDINGS, INC., a Delaware
corporation; CAPITOL RECORDS, INC., a
Delaware corporation; BMG MUSIC, a New
York general partnership; ATLANTIC
RECORDING CORPORATION, a Delaware
corporation; ELEKTRA ENTERTAINMENT
GROUP INC., a Delaware corporation; SONY
BMG MUSIC ENTERTAINMENT, a Delaware
general partnership; and INTERSCOPE
RECORDS, a California general partnership,
Plaintiffs,

v.

JOHN DOE #3,
Defendant.

CASE NO. 3:07-CV-04852-VRW

Honorable Vaughn R. Walker

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND ~~PROPOSED~~ ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for January 3, 2008, at 3:30 p.m. to April 3, 2008. Plaintiffs have not requested, and the
3 Court has not granted, any previous continuance of this case management conference. There is not
4 yet a named defendant in this case.

5 Plaintiffs filed the Complaint against Defendant John Doe #3 ("Defendant") on September
6 20, 2007. Also on September 20, 2007, Plaintiffs filed their *Ex Parte* Application for Leave to Take
7 Immediate Discovery seeking the Court's permission to serve a Rule 45 subpoena on San Francisco
8 State University ("SFSU"), so that Plaintiffs could obtain information sufficient to identify
9 Defendant. On October 1, 2007, this Court issued its Order Granting Plaintiffs' *Ex Parte*
10 Application for Leave to Take Immediate Discovery authorizing Plaintiffs to serve a Rule 45
11 subpoena on SFSU. On November 16, 2007, SFSU responded to Plaintiffs' subpoena, providing
12 Plaintiffs with identifying information including Defendant's name, telephone number, and address.

13 After learning Defendant's identity, Plaintiffs sent a letter to Defendant on November 28,
14 2007 in hopes of resolving this dispute without further litigation. Plaintiffs have made further
15 attempts to contact Defendant since that time, but have been informed that Defendant may be
16 traveling abroad. If Plaintiffs are unable to contact Defendant and resolve the dispute, Plaintiffs plan
17 to file an amended complaint naming Defendant personally.

18 Given the foregoing circumstances, and because there is not yet a named defendant in this
19 case, a case management conference is unnecessary at this time. Plaintiffs therefore respectfully
20 request that the Court continue the case management conference currently set for January 3, 2008, at
21 3:30 p.m. to April 3, 2008.

22 Dated: December 20, 2007

HOLME ROBERTS & OWEN LLP

23
24 By: /s/ Matthew Franklin Jaksa

25 MATTHEW FRANKLIN JAKSA
26 Attorney for Plaintiffs
27
28

ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for January 3, 2008, at 3:30 p.m. be continued to April 3, 2008.

Dated: _ 12/27/2007 _____

By:

